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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [EINV](#) [GG](#)
SUBJECT: GEORGIA: NEW JUSTICE MINISTER DISCUSSES BUSINESS
DISPUTES AND OTHER JUSTICE ISSUES

REF: A. A) TBILISI 2171
[B. B\) TBILISI 546](#)
[C. C\) TBILISI 2072](#)

Classified By: AMBASSADOR JOHN F. TEFFT FOR REASONS 1.4 (B) AND (D).

[1. \(C\) Summary:](#) In a November 29 meeting, Ambassador raised two ongoing commercial cases involving U.S. companies with newly-appointed Justice Minister Zurab Adeishvili. Regarding the Basel case, Adeishvili acknowledged that he had heard of allegations of corruption and bribe-taking by the judge, but said that Basel group attorneys had not provided evidence during the appeal to indicate that a bribe had occurred. Since then, Deputy Minister of Justice Tina Burjaliani had met with Basel's attorney from Patton Boggs about the case. On a separate commercial dispute involving another American company, Adeishvili told the Ambassador he understood the Maudi/Zurgavani case had been clarified and no issues remained. Adeishvili told the Ambassador that he expects the criminal procedure code to be passed by Parliament in February 2009. He went on to say that the Interagency Council for the Optional Protocol Against Torture (OPCAT) chaired by MOJ was waiting on input from the Public Defender's Office (PDO). The proposed MOJ amendment to existing legislation would give the PDO responsibility for monitoring all closed facilities. Adeishvili did not share much insight on the upcoming merger of the MOJ and the Prosecutor's Office, only saying that the Prosecutor General's Office will not have a deputy and most of the Deputy Ministers within the MOJ would continue as before. He was not sure who would head the new independent Probation and Penitentiary Department, but said it would most likely be Bacho Akhalaia, the current head within the Justice Ministry. End Summary.

Basel and Maudi Commercial Cases

[2. \(C\) The Ambassador informed Adeishvili that an important area of his responsibility is ensuring that American businesses and investors are given fair and just treatment abroad. The Ambassador asked about the status of the complaints made by the Basel group regarding the judicial proceedings regarding its commercial dispute and passed to Adeishvili documents prepared by the group's legal counsel, Patton Boggs. \(Embassy note: Basel's counsel alleges that the Georgian judge in the case is corrupt and has accepted bribes from Basel's opponent. End note.\) The Ambassador stressed that the United States does not intervene in ongoing court cases, but he wanted to ensure that the Minister was aware of Basel's claims and to urge that the Government review the allegations and provide a response. Adeishvili said that if there is someone who can substantiate the claim of bribes against the judge, that he or she should testify during the appeal. He said Patton Boggs had not yet presented evidence as proof of this claim. Regarding the other U.S. dispute, the Maudi case, Adeishvili understood that the matter of the firm getting the necessary certificates that they needed to operate had been resolved.](#)

(Note: Post continues to follow up with the American investor to ensure all elements of the dispute have been addressed, following up on the Ambassador's meeting with the Prime Minister on this topic - ref A. End Note.) The Ambassador also added that there is congressional interest in both cases in Washington.

MOJ and Prosecutor General Office Merger

13. (C) Commenting on the upcoming merger of the Ministry of Justice and the Prosecutor General's Office, Adeishvili, who met with the Ambassador in the same office where he once sat Qmet with the Ambassador in the same office where he once sat as Prosecutor General and now sits as the Justice Minister, said that the building where the current MOJ is housed would be sold. A new building would be erected on the grounds of the prosecutor general's complex. He did not expect that the workings of the MOJ would change much, nor would the staff change, specifically Deputy Minister Tina Burjaliani. He estimated the number of MOJ employees to be 2,700, since Legal Aid Offices, the Penitentiary Department and the Forensics Bureaus would no longer fall under MOJ.

Prediction for the Criminal Procedure Code: Early 2009

14. (C) With regard to the passage of the new Criminal Procedure Code, Adeishvili said that the proposed text, now sitting in the parliament's legal committee, could expect to pass a second reading by the end of the year, with passage after the third reading most likely in February 2009. He indicated that he didn't foresee any major problems, but currently the committee is mired in "technical problems." He planned to call Speaker Bakradze to encourage discussion and

TBILISI 00002224 002 OF 002

movement of the proposed legislation. The Ambassador strongly supported the early passage of the Code.

Interagency Council for OPCAT

15. (C) Adeishvili said that Giga Bokeria would continue to chair the Interagency Council for OPCAT, although he is now working as the Deputy Foreign Minister, (Ref B). (Comment: The Council has met fewer than seven times since its creation in 2007 and was previously chaired by Bokeria when he was an MP, and Deputy Minister of Justice Tina Burjaliani. Bokeria has not yet chaired a meeting since being appointed Deputy Foreign Minister. Since the Penitentiary Department will no longer fall within the MOJ, there have been questions about the future of the Interagency Council. End comment.) The Council met November 22 to propose an amendment that would designate the Ombudsman's office as the independent body which would monitor treatment in all closed facilities. Notably absent from the meeting was a representative of the PDO, although representatives from the PDO had been invited. Conventional wisdom is that the PDO could be designated as the monitoring arm, but now it appears that Ombudsman Sozar Subari himself may weigh in on proposed changes to the legislation which would affect the role of his office. Adeishvili believed that Subari was concentrating more on politics than the designated role of his office, something other independent observers have also recently echoed (Ref C).

TEFFT